

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

GOVERNMENT OF GUAM
RETIREMENT FUND, *et al.*,

Plaintiff,

vs.

INVACARE CORPORATION, *et al.*,

Defendants.

Case No. 1:13CV1165

JUDGE CHRISTOPHER A. BOYKO

[PROPOSED] ORDER APPROVING PLAN OF ALLOCATION

WHEREAS, Lead Plaintiff's motion for final approval of class action Settlement and Plan of Allocation (the "Motion," ECF Nos. 84, 84-1), duly came before the Court for hearing on November 19, 2015. The Court has considered the Motion and all supporting and other related materials, including the matters presented at the Court's July 23, 2015 hearing and November 19, 2015 hearing. Due and adequate notice having been given to the Settlement Class as provided by the Court's August 10, 2015 Order preliminarily approving the Settlement (the "Preliminary Approval Order," ECF No. 79), and the Court having considered all papers filed and proceedings had herein and otherwise being fully informed in the proceedings and good cause appearing therefor:

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Court has jurisdiction over the subject matter of the Action, and all matters relating to the Settlement, as well as personal jurisdiction over all of the Parties and each of the Settlement Class Members.

2. This Order incorporates by reference the definitions in the Stipulation And Agreement Of Settlement (the “Stipulation,” ECF No. 73), and all capitalized terms used, but not defined herein, shall have the same meanings as in the Stipulation.

3. Pursuant to and in full compliance with Rule 23 of the Federal Rules of Civil Procedure, this Court hereby finds and concludes that due and adequate notice was directed to all persons and entities who are Settlement Class Members, advising them of the Plan of Allocation and of their right to object thereto, and a full and fair opportunity was accorded to all such persons and entities to be heard with respect to the Plan of Allocation.

4. The Court hereby finds and concludes that the Plan of Allocation which is set forth in the Notice provides a fair and equitable basis upon which to allocate the proceeds of the Net Settlement Fund among Settlement Class Members who submit valid Claim Forms.

5. The Court hereby finds and concludes that the Plan of Allocation is, in all respects, fair and equitable to the Settlement Class. Accordingly, the Court hereby approves the Plan of Allocation proposed by Lead Plaintiffs.

6. The finality of the Judgment entered with respect to the Settlement shall not be affected in any manner by this Order, or any appeal from this Order approving the Plan of Allocation.

SO ORDERED this _____ day of _____, 2015.

Honorable Christopher A. Boyko
United States District Judge